

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BROWN,
Plaintiff,

v.

U.S. JUSTICE DEPARTMENT, et al,
Defendants.

C.A. No. 04-379 Erie

ORDER

AND NOW, this 5th day of February, 2007;

Defendants having filed a Motion to Dismiss, Motion for Summary Judgment (Doc. #85) and brief in support thereof;

IT IS HEREBY ORDERED that plaintiff shall be allowed until February 26, 2007, to respond to the motion. Plaintiff may also amend the complaint to cure any procedural defects.

IT IS FURTHER ORDERED THAT plaintiff shall serve on counsel for defendants, Megan E. Farrell, Esq., a copy of each pleading or other document submitted for consideration by the court and shall include with each document filed a certificate stating the date a true and correct copy of the pleading or document was mailed to each attorney. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service shall be returned to the plaintiff by the Clerk.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge

cc: all parties of record (lw)

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,)	
Plaintiff,)	
)	
)	
v.)	Civil Action No. 04-379 Erie
)	
UNITED STATES,)	
U.S. JUSTICE DEPARTMENT,)	
BUREAU OF PRISONS (BOP),)	
FCI McKEAN, HARLEY G. LAPPIN-)	
Director of BOP, NEWTON E.)	
KENDIG- Medical Director of)	
BOP, D. SCOTT DODRILL- North-)	
east Regional Director of BOP,)	
JOHN J. LAMANNA-Warden of FCI)	
McKEAN,)	
Defendants.)	

AFFIDAVIT OF DEMETRIUS BROWN

I, Demetrius Brown, herein above as Plaintiff, hereby affirm and declare under penalty of perjury, the following:

1. I have submitted, thus have filed Administrative Grievances pertaining each to Defendants Discrimination and their Retaliation as to me. See **Attached**.

2. I have therefore, "exhausted" the Administrative Remedy Process by filing Grievances to the Bureau of Prisons General Counsel. As such, I deny the Declaration of Rosalind Bingham at paragraphs 3 and 5 asserting that "exhaustion" of remedies is when final appeal is denied by the Bureau of Prisons General Counsel and that I did not exhaust

the remedies for the issues claimed in the above paragraph 1 relating to Discrimination and Retaliation.

3. That when exhausting Administrative Remedies, it is not necessary to become particluar as to the legal issues involved but, to assert the factual basis of the claim. And, whether hearing is necessary to resolve the issue then that is a matter to be taken at the discretion of the reviewing agency especially when facts may warrant clear interpretations.

4. Finally, I deny the Declaration of Rosalind Bingham at paragraph 6 to specify that I have not exhausted my Administrative Remedies by allocating a particular kind and number of issues to be raised. I, in this regard, assert that I have exhausted my Administrative Remedies as to the issues claimed in the above paragraph 1 relating to Discrimination and Retaliation.

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

3-30-07
Dated

Demetrius Brown

DISCRIMINATION CLAIM

Discrimination

Ray Brook, New York

Attachment A

INFORMAL RESOLUTION

Name: Brown, D. Reg. No.: 21534-039 Unit: GEN B
Date: 01/03/07 Counselor: D.P. Snyder, C/C [Signature]

Part A - Inmate Request/Issue This is a complaint against institutionalized discrimination. I am complaining that D.Salamy-Case Mgr. for Genese B, Rebecca Tamez-Chief of the Designation & Sentence Computation Center, Harley G. Lappin-Director of the Bureau of Prisons, D. Scott Dodrill-Northeast Regional Director for the Bureau of Prisons, and others unknown each have conspired to violate my Civil Rights to be treated equally thus, discriminating against me by >Over

Part B - Referred To:

PROGRAMS	<input type="checkbox"/>	OPERATIONS	<input type="checkbox"/>	UNICOR	<input type="checkbox"/>
CASE MANAGEMENT COORD.	<input type="checkbox"/>	CAPTAIN	<input type="checkbox"/>	FACTORY MANAGER	<input type="checkbox"/>
INMATE SYSTEMS MGR.	<input type="checkbox"/>	SIS LT.	<input type="checkbox"/>	BUSINESS MANAGER	<input type="checkbox"/>
INMATE SYS. SUPERVISOR	<input type="checkbox"/>	PROPERTY LT.	<input type="checkbox"/>	SYSTEMS ADMINISTRATOR	<input type="checkbox"/>
CHIEF PSYCHOLOGIST	<input type="checkbox"/>	CONTROLLER	<input type="checkbox"/>	QUALITY ASSURANCE MGR.	<input type="checkbox"/>
DRUG PROGRAM COORD.	<input type="checkbox"/>	TRUST FUND SUPERVISOR	<input type="checkbox"/>		
CHAPLAINCY SERVICES	<input type="checkbox"/>	FOOD SVC. ADMIN.	<input type="checkbox"/>	ADMINISTRATIVE	
SUPERVISOR EDUCATION	<input type="checkbox"/>	HEALTH SERVICES ADMIN.	<input type="checkbox"/>	EXECUTIVE ASSISTANT	<input type="checkbox"/>
SUPERVISOR RECREATION	<input type="checkbox"/>	CLINICAL DIR.ASST. HSA	<input type="checkbox"/>	COMPUTER SERVICES MGR.	<input type="checkbox"/>
VOL/INMATE COORDINATOR	<input type="checkbox"/>	CHIEF DENTAL OFFICER	<input type="checkbox"/>	DISCIPLINE HEARING OFF.	<input type="checkbox"/>
		PHARMACIST	<input type="checkbox"/>	PARALEGAL SPECIALIST	<input type="checkbox"/>
<u>UNIT MANAGER</u>	<input type="checkbox"/>	HUMAN RESOURCES MGR.	<input type="checkbox"/>		
CASE MANAGER A OR B	<input type="checkbox"/>	FACILITY MANAGER	<input type="checkbox"/>	OTHER	
COUNSELOR A OR B	<input type="checkbox"/>	GENERAL FOREMAN	<input type="checkbox"/>	PLEASE SPECIFY:	
UNIT SECRETARY	<input type="checkbox"/>	EMPLOYEE DEVELOPMENT MGR	<input type="checkbox"/>		
UNIT <u>GENESE</u>		SAFETY MANAGER	<input type="checkbox"/>		

MR J FEHLNER u/m

Part C - Informal Resolution Attempt

☐ Issue Resolved/Relief Granted - ☐ Comments on back.
☒ Issue Unresolved/No Relief Granted - ☐ Comments on back.
☐ Unable to address issue/Referred to _____

By: [Signature] Date: 1-5-07

Second Informal Resolution Attempt

☐ Issue Resolved/Relief Granted - ☐ Comments on back.
☐ Issue Unresolved/No Relief Granted - ☐ Comments on back.
☐ Unable to address issue/Referred to _____

By: _____ Date: _____

Reviewed: J. Fehlner, UM Unit Manager Date: _____

Counselor's Tracking					
Tracking #	Event Date	+ 20 days	Form Issued	BP-9 Issued	BP-9 Returned
GEN-B-7-002			01/03/07	01/05/07	

... repeatedly denying me transfer request to the proper low level security institution according to policy dictates and where others similarly situated have been transferred. This discrimination has thus, caused me much pain and suffering. I therefore, seek \$1,000,00.00 (one million) dollars in hard money against each coconspirator. I request further, that no reprisals be had because of my filing this complaint.

I also declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

1-4-07

Demetrius Brown

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

Issued 01/05/2007 GEN-B-7-002 Smith K

RB1

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Brown, Demetrius</u>	<u>21534-039</u>	<u>Gen.B/Aus.</u>	<u>FCI RayBrook</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A- INMATE REQUEST This is a complaint against institutionalized discrimination. I am complaining that Dave Salamy- Case Mgr. for Genese B, Rebecca Tamez- Chief of the Designation & Sentence Computation Center, Harley G. Lappin-Director of the Bureau of Prisons, D. Scott Dodrill-Northeast Regional Director for the Bureau of Prisons, and Others Unknown each have conspired to violate my Civil Rights to be treated equally thus, discriminating against me by repeatedly denying me transfer request to the proper low level security institution according to policy dictates and where others similarly situated have been transferred. This discrimination has thus, caused me much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator. I request further, that no reprisals be had because of my filing this complaint.

I also declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

1-9-07

DATE

Demetrius Brown

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



REQUEST FOR ADMINISTRATIVE REMEDY
Part B - Response

Name: BROWN, DemetriusAdmin. Remedy Case Number: 439863-F1Reg. No.: 21534-039Unit: Genesee/Ausable

Your Request for Administrative Remedy (BP-229), dated January 9, 2007, received in this office on January 19, 2007, has been reviewed. You claim staff have been conspiring and retaliating against you by repeatedly denying you a transfer. Additionally, you seek \$1,000,000.00 in compensation from each person you accused.

Investigation into this matter reveals you are an eleven point, Low security level inmate with IN custody with a Management Variable (Population Management) applied by the Designations and Sentence Computation Center on December 13, 2006. The Management Variable expires on June 13, 2008. You arrived at FCI Ray Brook, New York, on November 4, 2004, from FCI McKean, Pennsylvania, in order to increase the population at this facility. Per your request, your unit team submitted a transfer, on two separate occasions, to a Low security level institution. However, as mentioned above, these requests for transfer were denied and a Management Variable was applied. PS5100.08, Inmate Security Designation and Custody Classification, dated September 12, 2006, indicates "A Management Variable is required when placement has been made and/or maintained at an institution level inconsistent with the inmate's scored security level." Many factors are taken into consideration when reviewing a case for transfer including population levels in institutions. Staff followed procedures in submitting you for transfer; however, population pressures prevented this request from being approved. Therefore, your claim is found to have no merit. Lastly, I do not have the authority to impose monetary sanctions against staff.

Based on the above information, your Request for Administrative Remedy is denied. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date of this response by submitting a Regional Appeal, BP-230(10), to the Northeast Regional Director, Federal Bureau of Prisons, U.S. Customs House, 8TH Floor, 2nd and Chestnut Streets, Philadelphia, PA 19106.

2/6/07
Date

T. R. Craig
T. R. Craig, Warden

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons *Assured 01/30/2007 DB (KBR) JH-4 BP10 (2)*

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Brown, Demetrius 21534-039 Genese/Aus. FCI RayBrook
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL This is an appeal to the Regional Director of the complaint denied at the institutional level by Warden T.R. Craig against institutionalized discrimination. To reiterate, I've complained that Dave Salamy- Case Mgr. for Genese B, Rebecca Tamez- Chief of the Designation & Sentence Computation Center, Harley G. Lappin- Director of the Bureau of Prisons, D. Scott Dodrill- Northeast Regional Director for the Bureau of Prisons, and Others Unknown (now including T.R. Craig himself) each have conspired to violate my Civil Rights to be treated equally thus, discriminating against me by repeatedly denying me transfer request to the proper low level security institution according to policy dictates and where others similarly situated have been transferred. This discrimination has thus, caused me much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator.

I request further, that no reprisals be had because of my filing this complaint and its appeal.

I also declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

2-12-07
DATE

Demetrius Brown
SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

USP LVN DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)
APRIL 1982

BROWN, Demetrius

Reg. No. 21534-039

Appeal No. 439863-R1

Page One

Part B - Response

You appeal the decision of the Warden at FCI Ray Brook and allege repeated discrimination. You contend the Bureau of Prisons has conspired to violate your civil rights by denying your requests for transfer to less secure facility. You assert you are a low security level inmate and are being treated differently than other inmates similarly situated. You seek \$1,000,000.00 from each alleged coconspirator.

Program Statement 5100.08, Inmate Security Designation and Custody Classification Manual, permits staff to use professional judgement within specific guidelines when making classification decisions. One of the objectives of this system is to place each inmate in the lowest security level facility for which the inmate qualifies, while maintaining population balance throughout the Bureau. Circumstances such as security needs, population concerns, inmate safety and the needs of the Bureau may prevent placement of inmates close to their residences or other desired locations. The above policy authorizes the use of management variables when there is reasonable justification for housing an inmate in an institution not commensurate with his or her security level.

A review of your records indicates you are a low security level inmate currently placed at a medium security level facility, with a management variable for Population Management. Due to population pressures at low security level facilities at this time, and the population needs at FCI Ray Brook, the above indicated management variable was applied. Your management variable will expire in June 2008, at which time, you will be reviewed for transfer consideration. You do not have the right to be transferred to a particular federal facility and you have not presented any evidence staff has conspired or discriminated against you. Finally, you cannot receive monetary damages via the administrative remedy program. You may request money damages by submitting a claim to the Regional Counsel under the Federal Tort Claims Act. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: March 20, 2007


D. SCOTT DODRILL
Regional Director

Bureau of Prisons

Issued 03/26/07 SJC

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Brown, Demetrius 21534-039 Gen.B/Aus FCI RayBrook
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A-REASON FOR APPEAL This is a final appeal, in the exhaustion of remedies, to the General Counsel from a lower appeal denied by the Northeast Regional Director, . Scott Dodrill, in a complaint against institutionalized discrimination. To reiterate the claim and relief stated below, I am complaining that Dave Salamy-Case gr. for Genese B, Rebecca Tamez- Chief of the Designation & Sentence Computation Center, T.R. Craig- Warden of FCI RayBrook, D. Scott Dodrill- Northeast Regional Director for the Bureau of Prisons, Harley G. Lappin- Director of the Bureau of Prisons, and others unknown each have conspired to violate my Civil Rights to be treated equally thus, discriminating against me by repeatedly denying me transfer request to the proper low level security institution according to policy dictates and where others similarly situated have been transferred. This discrimination has thus, caused me much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator.

I request further that no reprisals be had because of my filing this complaint and its appeal.

I also declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

3/26/07
 DATE

Demetrius Brown
 SIGNATURE OF REQUESTOR

Part B-RESPONSE

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C-RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

RETALIATION CLAIM

Ray Brook, New York

Attachment A

INFORMAL RESOLUTION

Name: BROWN, D. Reg. No.: #21534-039 Unit: GEN B
 Date: 01/03/07 Counselor: D.P. Snyder, C/C guf

Part A - Inmate Request/Issue This is a complaint against Retaliation. I am
complaining that D. Salamy-Case Mgr. for Genese B, Rebecca Tamez-Chief of the
Designation & Sentence Computation Center, Harley G. Tappin-Director of the
Bureau of Prisons, D. Scott Dodrill-Northeast Regional Director for the Bureau
Prisons, and others unknown each have conspired to Retaliate against me for filing
various Administrative Grievances & commencing Lawsuits against Prison Officials >Over

Part B - Referred To:

PROGRAMS
 CASE MANAGEMENT COORD.
 INMATE SYSTEMS MGR.
 INMATE SYS. SUPERVISOR
 CHIEF PSYCHOLOGIST
 DRUG PROGRAM COORD.
 CHAPLAINCY SERVICES
 SUPERVISOR EDUCATION
 SUPERVISOR RECREATION
 VOL/INMATE COORDINATOR

OPERATIONS
☐ CAPTAIN
☐ SIS LT.
☐ PROPERTY LT.
☐ CONTROLLER
☐ TRUST FUND SUPERVISOR
☐ FOOD SVC. ADMIN.
☐ HEALTH SERVICES ADMIN.
☐ CLINICAL DIR.ASST. HSA
☐ CHIEF DENTAL OFFICER
☐ PHARMACIST
☐ HUMAN RESOURCES MGR.
☐ FACILITY MANAGER
☐ GENERAL FOREMAN
☐ EMPLOYEE DEVELOPMENT MGR
☐ SAFETY MANAGER

UNICOR
☐ FACTORY MANAGER
☐ BUSINESS MANAGER
☐ SYSTEMS ADMINISTRATOR
☐ QUALITY ASSURANCE MGR.

ADMINISTRATIVE
☐ EXECUTIVE ASSISTANT
☐ COMPUTER SERVICES MGR.
☐ DISCIPLINE HEARING OFF.
☐ PARALEGAL SPECIALIST

OTHER
 PLEASE SPECIFY:

UNIT MANAGER

CASE MANAGER A OR B
 COUNSELOR A OR B
 UNIT SECRETARY

UNIT GENESEE

MR. FEHLNER u/m

Part C - Informal Resolution Attempt

- ☐ Issue Resolved/Relief Granted - ☐ Comments on back.
☒ Issue Unresolved/No Relief Granted - ☐ Comments on back.
☐ Unable to address issue/Referred to _____

By: [Signature] Date: 1-5-07

Second Informal Resolution Attempt

- ☐ Issue Resolved/Relief Granted - ☐ Comments on back.
☐ Issue Unresolved/No Relief Granted - ☐ Comments on back.
☐ Unable to address issue/Referred to _____

By: _____ Date: _____

Reviewed: _____ Unit Manager Date: _____
J. Fehlner, UM

Counselor's Tracking

Tracking #	Event Date	+ 20 days	Form Issued	BP-9 Issued	BP-9 Returned
GEN-B-7-001			<u>01/03/07</u>	<u>01/05/07</u>	

... by continuously placing population management variables against my security classification in the event to perpetually hold me in a medium level security institution despite my low level security status. This Retaliation has thus, affected my safety and care as an inmate, as well as to cause much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator.

I request also that no further reprisals be had because of my filing this complaint.

I declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

1-4-07

L. Demetrius Brown

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

Issued 01/05/2007 GEN-B-7-001 Inf Y RBK

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Brown, Demetrius</u>	<u>21534-039</u>	<u>Gen.B/Aus.</u>	<u>FCI RayBrook</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part A- INMATE REQUEST This is a complaint against Retaliation. I am complaining that Dave Salamy- Case Mgr. for Genese B, Rebecca Tamez-Chief of the Designation & Sentence Computation Center, Harley G. Lappin-Director of the Bureau of Prisons, D. Scott Dodrill-Northeast Regional Director for the Bureau of Prisons, and Others Unknown each have conspired to Retaliate against me for filing various Administrative Grievances & commencing Lawsuits against Prison Officials by continuously placing population management variables against my security classification in the event to perpetually hold me in a medium-level security institution despite my low-level security status. This Retaliation has thus, affected my safety and care as an inmate, as well as to cause much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator.

I request also that no further reprisals be had because of my filing this complaint.

I declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

1-9-07

DATE

Demetrius Brown

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to:	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION
------------	----------------------------------	----------	------	-------------

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



PRINTED ON RECYCLED PAPER

BP-229(13)
APRIL 1982

REQUEST FOR ADMINISTRATIVE REMEDY
Part B - Response

Name: BROWN, Demetrius

Admin. Remedy Case Number: 439868-F1

Reg. No.: 21534-039

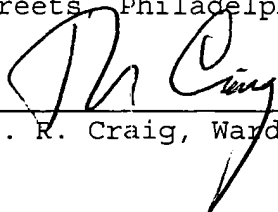
Unit: Genesee/Ausable

Your Request for Administrative Remedy (BP-229), dated January 9, 2007, received in this office on January 19, 2007, has been reviewed. You claim staff have been conspiring and retaliating against you for taking legal action against them. Specifically, you claim staff have assigned the Population Management Management Variable on you as a form of retaliation. Additionally, you seek \$1,000,000.00 in compensation from each person you accused.

Investigation into this matter reveals you are an eleven point, Low security level inmate with IN custody with a Management Variable (Population Management) applied by the Designations and Sentence Computation Center on December 13, 2006. The Management Variable expires on June 13, 2008. Per your request, your unit team submitted a transfer to a Low security level institution. However, as mentioned above, this request for transfer was denied and a Management Variable was applied. PS 5100.08, Inmate Security Designation and Custody Classification, dated September 12, 2006, indicates "A Management Variable is required when placement has been made and/or maintained at an institution level inconsistent with the inmate's scored security level." Many factors are taken into consideration when reviewing a case for transfer including population levels in institutions. Staff followed procedures in submitting you for transfer; however, population pressures prevented this request from being approved. Therefore, your claim is found to have no merit. Lastly, I don't have the authority to impose monetary sanctions against staff.

Based on the above information, your Request for Administrative Remedy is denied. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of the date of this response by submitting a Regional Appeal, BP-230(10), to the Northeast Regional Director, Federal Bureau of Prisons, U.S. Customs House, 8TH Floor, 2nd and Chestnut Streets, Philadelphia, PA 19106.

2/8/07
Date


T. R. Craig, Warden

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Issued 01/30/2007 DB (RBK) JY 4 BP-10 ①

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: Brown, Demetrius 21534-039 Genese/Aus FCI RayBrook
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL This is an appeal to the Regional Director of the complaint denied at the institutional level by Warden T.R. Craig against retaliation. To reiterate, I've complained that Dave Salamy- Case Mgr. for Genese B, Rebecca Tamez Chief of the Designation & Sentence Computation Center, Harley G. Lappin- Director of the Bureau of Prisons, D. Scott Dodrill- Northeast Regional Director for the Bureau of Prisons, and Others Unknown (now including T.R. Craig himself) each have conspired to Retaliate against me for filing various Administrative Grievance & commencing Lawsuits against Prison Officials by continuously placing population management variables against my security classification in the event to perpetually hold me in a medium-security level institution despite my low-security level status. This Retaliation has thus, affected my safety and care as an inmate, as well as to cause much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator.

I request also that no further reprisals be had because of my filing this complaint and its appeal.

I declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

2-12-07

DATE

Demetrius Brown

SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

USP LVN

DATE

Previous editions not usable

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

BP-230(13)
APRIL 1982

BROWN, Demetrius

Reg. No. 21534-039

Appeal No. 439868-R1

Page One


Part B - Response

You appeal the decision of the Warden at FCI Ray Brook and allege you have been retaliated against for submitting grievances against staff. You claim a management variable was imposed to keep you at a medium-level facility without justification. You state this decision affects your safety and care, amounts to discrimination and seek \$1,000,000.00 from each alleged coconspirator.

A review of your case revealed the application of the management variable Population Management and transfer consideration was previously addressed in Regional Appeal No. 439863-R1. In addition, you were properly instructed to submit an administrative tort claim to seek monetary damages. You have not presented any evidence that you have been retaliated or discriminated against. However, if you feel your safety is in jeopardy, you must advise staff so your concerns can be addressed. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: March 20, 2007


D. SCOTT DODRILL
Regional Director

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Brown, Demetrius 21534-039 Gen. B/Aus. FCI RayBrook
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A-REASON FOR APPEAL This is a final appeal, in the exhaustion of remedies, to the General Counsel from a lower appeal denied by the Northeast Regional Director, D. Scott Dodrill, in a complaint against retaliation. To reiterate the claim and relief stated below, I am complaining that Dave Salamy-Case Mgr. for Menese B, Rebecca Tamez- Chief of the Designation & Sentence Computation Center, J.R. Craig- Warden of FCI RayBrook, D. Scott Dodrill- Northeast Regional Director for the Bureau of Prisons, Harley G. Lappin- Director of the Bureau of Prisons, and others unknown each have conspired to Retaliate against me for filing various Administrative Grievances & commencing Lawsuits against Prison Officials by continuously placing population management variables against my security classification in the event to perpetually hold me in a medium-security level institution despite my low-security level status. This Retaliation has thus, affected my safety and care as an inmate, as well as to cause much pain and suffering. I therefore seek \$1,000,000.00 (one million) dollars in hard money against each coconspirator.

I request also that no further reprisals be had because of my filing this complaint and its appeal.

I declare under penalty of perjury, 28 U.S.C. §1746, that the foregoing is true and correct.

3/26/07
DATE

Demetrius Brown
SIGNATURE OF REQUESTOR

Part B-RESPONSE

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C-RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

BP-DIR-11
April 1982

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,
Plaintiff,

v.

UNITED STATES,
U.S. JUSTICE DEPARTMENT,
BUREAU OF PRISONS (BOP),
FCI McKEAN, HARLEY G. LAPPIN-
Director of BOP, NEWTON E.
KENDIG- Medical Director of BOP,
D. SCOTT DODRILL- Northeast Reg-
ional Director of BOP, JOHN J.
LAMANNA- Warden of FCI McKean,
Defendants.

Civil Action No. 04-379 Erie

PROOF OF SERVICE

I, DEMETRIUS BROWN, do swear or declare that on this date, March 30 2007, as required by Fed.R.Civ.P. Rule 5, I have served the enclosed REPLY WITH AFFIDAVIT TO SUPPORT AGAINST DEFENDANTS' OPPOSITION TO HIS MOTION TO FILE THIRD AMENDED COMPLAINT on each party to the above proceeding or that of party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in FCI RayBrook's internal mail system in the United States, mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

MEGAN E. FARRELL
Assistant U.S. Attorney
Western District of Pennsylvania

at

700 Grant St. Suite 4000
Pittsburgh, PA. 15219
(412)894-7429
PA Id. #76972

I declare under penalty of perjury that the foregoing is true and correct. Executed on 3-30, 2007

Demetrius Brown